

**PROCEDURAL RULES
FOR APPLICATION AND ADMINISTRATION OF
11 *Del. C.* § 1441**

**(Issuance and Renewal of Licenses
To Carry Concealed Deadly Weapons)**

RULE 1. SCOPE

These rules govern procedures and proceedings pursuant to 11 *Del. C.* § 1441 for the issuance and renewal of licenses to carry concealed deadly weapons.

RULE 2. PURPOSE AND CONSTRUCTION

These rules shall be construed so as to secure uniform fairness in administration of the licensing process and elimination of unjustifiable expense and delay in the processing of license applications and renewals.

RULE 3. APPLICATIONS AND AFFIDAVITS

(a) Applications. Applications for a license to carry concealed deadly weapons shall be filed under oath in duplicate upon the form attached as Form 1, which shall be filed with the Prothonotary in the county in which the applicant resides. In addition, the applicant shall file simultaneously therewith two 1.5" x 1.5" passport-style photographs of the applicant taken within the six-month period immediately preceding the filing of the renewal application, along with the statutory filing fee.

(b) Renewal Affidavits. Affidavits for the renewal of a license issued to carry a concealed deadly weapon shall be filed under oath in duplicate upon the form attached as Form 2, which shall be filed with the Prothonotary in the county in which the applicant resides. In addition, the applicant shall file simultaneously therewith two 1.5" x 1.5" passport-style photographs of the applicant taken within the six-month period immediately preceding the filing of the renewal application, along with the statutory filing fee.

(c) Time for filing.

- (1) Applications for an initial license may be filed at any time.
- (2) Affidavits for the renewal of a license may be filed after January 1 but no later than June 1 of the year of license expiration.

RULE 4. PROCESSING OF LICENSE APPLICATION

Upon receipt of an application, the Prothonotary shall review the application. If the application is incomplete, the Prothonotary shall return same to the applicant, together with an explanation for rejection.

RULE 5. PUBLICATION

Publication shall be made pursuant to 11 *Del. C.* § 1441(b).

RULE 6. SERVICE UPON THE ATTORNEY GENERAL

The Prothonotary shall send the duplicate of all documents filed with the Court to the office of the Attorney General in the county of application. Consistent with the duty and authority conferred by 29 *Del. C.* § 2504(4), the Attorney General may investigate whether the approval of the application will constitute a risk to the public peace and safety. The Attorney General may file a response with the Court within 30 days of the referral. A copy of the response shall simultaneously be served by the Attorney General upon the applicant by regular mail. Proof of mailing shall be filed with the Prothonotary. If no objection is filed, the application or renewal affidavit shall be deemed unopposed by the Attorney General, and the Court will decide the matter on the information presented.

RULE 7. REQUESTS FOR HEARINGS

Any applicant aggrieved by any action of the Court may file a written request for a hearing no later than 10 days after notification of the contested action.

Upon receipt of a request for a hearing, the Court shall notify the applicant and the Attorney General of the date and time of the hearing.

RULE 8. APPOINTMENT OF ATTORNEY GENERAL

In any hearing held pursuant to these rules, the Court may appoint the Attorney General to represent those interests which may be in opposition to the applicant or licensee.

RULE 9. ISSUANCE OF LICENSE

Upon the granting of an initial application by the Court, the Prothonotary shall issue the license to the applicant for a term to expire on the first day of June of the second year next succeeding.

Upon the granting of a renewal affidavit by the Court, the Prothonotary shall issue the license to the applicant for a term to expire on the first day of June of the third year next succeeding.

RULE 10. RULES OF EVIDENCE

The Delaware Uniform Rules of Evidence shall apply to any proceedings held pursuant to these rules.

RULE 11. REVOCATION

The Court may at any time revoke a license to carry a concealed deadly weapon for good cause shown. Good cause shall include but is not limited to the provisions of 11 *Del. C.* § 1448.

RULE 12. EFFECTIVE DATE

These rules take effect on May 1, 1993. They govern all applications for the issuance or renewal of licenses to carry concealed deadly weapons thereafter commenced and, so far as just and practicable, all proceedings then pending.